

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

TIMOTHY D. NELSON, JR.

Criminal No. *19-19* J

INFORMATION MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Scott W. Brady, United States Attorney for the Western District of Pennsylvania, and Stephanie L. Haines, Assistant United States Attorney for said district, and submits the following Information Memorandum to the Court:

I. THE INFORMATION

A two-count Information was filed against the above-named defendant for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Kidnapping, on or about September 19, 1999.	18 U.S.C. §1201
2	Aggravated sexual abuse of a person under the age of 12 years old, on or about September 19, 1999.	18 U.S.C. §2241(c)

II. ELEMENTS OF THE OFFENSES

A. As to Count One:

In order for the crime of kidnapping, in violation of 18 U.S.C. § 1201, to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

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1. That the defendant seized, confined, kidnapped, abducted or carried away a victim child under the age of eighteen (18) years of age who was not related to defendant.

2. That the defendant held the victim child for the purpose of a ransom, reward, or for any other reason.

3. That the victim child was transported in interstate commerce.

4. That the defendant acted knowingly and unlawfully.

Modern Federal Jury Instructions, Section 42.01.

B. As to Count Two:

In order for the crime of aggravated sexual abuse of a person under the age of twelve (12) years old, in violation of Title 18, United States Code, Section 2241(c), to be established, the United States must prove, beyond a reasonable doubt, all of the following essential elements:

1. That the defendant traveled in interstate commerce.

2. That the defendant did so with the intent to engage in a sexual act with a person who had not attained the age of twelve (12) years.

Modern Federal Jury Instructions, Section 61.02.

### III. PENALTIES

A. As to Count 1: Kidnapping (18 U.S.C. § 1201):

1. A term of imprisonment of any term of years or for life (18 U.S.C. § 1201(a));

2. A fine of not more than \$250,000 (18 U.S.C. §§ 3571(b)(3));

3. A term of supervised release of not more than five (5) years (18 U.S.C. § 3583(b)(1)).

B. As to Count 2: Aggravated Sexual Abuse of Person Under the Age of Twelve (12) Years Old (18 U.S.C. § 2241(c)):

1. A term of imprisonment of any term of years or for life (18 U.S.C. § 2241(c));
2. A fine of not more than \$250,000 (18 U.S.C. §§ 3571(b)(3));
3. A term of supervised release of not more than five (5) years (18 U.S.C. § 3583(b)(1)).

#### IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$200 must be imposed upon the defendant, pursuant to 18 U.S.C. § 3013, as the offenses occurred on or after April 24, 1996.

#### V. RESTITUTION

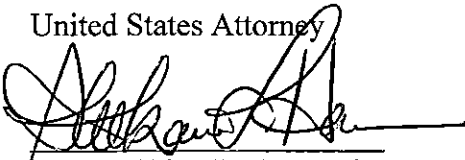
Restitution is mandatory as part of the defendant's sentence, pursuant to 18 U.S.C. § 3663A.

#### VI. FORFEITURE

Not applicable in this case.

Respectfully submitted,

SCOTT W. BRADY  
United States Attorney



STEPHANIE L. HAINES  
Assistant U.S. Attorney  
WV ID No. 9249